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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,952	10/30/2003	Leon Benhamou	3460-Z	6257

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EXAMINER	
KOROBOV, VITALI A	
ART UNIT	**PAPER NUMBER**
2155	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/695,952	BENHAMOU, LEON	
	Examiner	Art Unit	
	Vitali Korobov	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This Office Action is in response to the amendment filed on 08/309/2005. Claims 1 - 18 are pending in this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 2, 4-10, and 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6,697,845 to Andrews (hereinafter Andrews).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Andrews teaches a method of providing secure network management communications within a communication network, the communication network including a plurality of network elements each adapted to generate and process legacy network management messages in conformance with a legacy management system, the method comprising the steps of: embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message at a first network element (Col. 4, lines 36-43 – SNMP message "wrapper"); transmitting the first SNMP message over the network to a second network element (Col. 5, lines 42-50 – network manager generates SNMP request; col. 7, lines 17-20 – SNMP transmission to the managed node (second network element)); and extracting the first legacy network management message from the first SNMP message at the second network element (Col. 7, lines 20-23 – agent parses SNMP request, lines 25-29 – agent re-assembles the message).

Regarding claim 2, Andrews teaches the method of claim 1 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with a secure version of SNMP (Col. 4, lines 17-20).

Regarding claim 4, Andrews teaches the method of claim 1 wherein the legacy management system provides less security than SNMP (Col. 4, lines 10-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 5, Andrews teaches the method of claim 1 comprising the further steps of: generating the first legacy network management message at the first network element(Col. 3, lines 5-8 – AgentX PDUs are generated by a master agent – first network element); and processing the first legacy network management message at the second network element (Col. 3, lines 8-9 – re-assembly by PSA (second network element) of received AgentX packets into SNMP PDU packets).

Regarding claim 6, Andrews teaches the method of claim 5 comprising the further steps of: generating a second legacy network management message at the second network element in response to the first legacy network management message; embedding the second legacy network management message within a second SNMP message at the second network element; transmitting the second SNMP message over the network to the first network element; and extracting the second legacy network management message from the second SNMP message at the first network element (Col. 3, lines 26-35 – conversion and re-assembly of AgentX protocol into SNMP and back into AgentX at the master agent (first network element) and at the PSA (second network element)).

Regarding claim 7, Andrews teaches the method of claim 1 wherein the first network element is a management station, and wherein the second network element is a node (Col. 2, lines 62-66 – management system includes a master agent – first network element, for managing a node – second network element).

Regarding claim 8, Andrews teaches the method of claim 1 wherein the first network element is a node, and wherein the second network element is a

management station (Col. 5, lines 42-50 – SNMP entity can be both a manager and an agent).

Regarding claims 9,10 and 12, said claims encompass the same scope of the invention as that of the claims 1, 2 and 4-8, except that they set forth the invention as a system rather than a method, as do claims 1,2 and 4-8. Therefore, claims 9, 10 and 11 are rejected under the same rationale as the claims 1, 2 and 4-8. The instant application defines "an initiator" as an "ability implemented as software to generate network management messages, transmit the network management messages to nodes within the network, and process response messages received in response thereto" (See the first paragraph of the Background section) – the functionality fully covered by the limitations of claims 1, 2 and 4-8 and therefore does not introduce any additional limitation to those introduced by the above rejected claims 1, 2 and 4-8.

Regarding claim 13, Andrews teaches a Simple Network Management Protocol (SNMP) initiator at a management station within a communication network, comprising: instructions for receiving a legacy network management message which conforms to a legacy network management protocol (Col. 2, lines 48-51); instructions for embedding the legacy network management message within an SNMP message (Col. 2, lines 51-52); and instructions for transmitting the SNMP message to a node within the communication network (Col. 2, lines 53-54).

Regarding claim 14, Andrews teaches the SNMP initiator of claim 13 wherein the legacy network management protocol provides less security than

SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 15, Andrews teaches a Simple Network Management Protocol (SNMP) agent at a node within a communication network, comprising: instructions for receiving a first SNMP message from a management station within a communication network (Col. 3, lines 26-31 – message processing structure on SNMP master agent); instructions for extracting a first legacy network management message from the first SNMP message, the first legacy network management message conforming to a legacy network management protocol (Col. 3, lines lines 26-30 – parsing SNMP into AgentX protocol request); and instructions for sending the first legacy network management message to a legacy agent at the node (Col. 3, lines 30-35 – forwarding the message to a peer agent at the node).

Regarding claim 16, Andrews teaches the SNMP agent of claim 15 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Regarding claim 17, Andrews teaches the SNMP agent of claim 15 further comprising: instructions for receiving a second legacy network management message from the legacy agent; instructions for embedding the second legacy network management message within a second SNMP message; and

instructions for transmitting the second SNMP message to the management station.

Regarding claim 18, Andrews teaches the SNMP agent of claim 17 wherein the legacy network management protocol provides less security than SNMP (Col. 4, lines 17-20 – AgentX protocol runs under SNMP administrative framework that defines authentication, access control and privacy policies; col. 4, line 28 – UDP is less secure than SNMP).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claim 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,697,845 to Andrews.

Regarding claim 3, Andrews teaches the method of claim 2 wherein the step of transmitting the first SNMP message comprises transmitting the first SNMP message in conformance with SNMP.

Andrews does not explicitly teach that the version of SNMP installed is specifically version 3 (SNMPv3).

"Official Notice" is taken that the concept and the advantages of implementing a version 3 of the SNMP protocol over earlier versions 1.5 and 2 are well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Andrews by upgrading to a version 3 of SNMP protocol. One of ordinary skills in the art would be motivated to do so in order to realize additional features of version 3 over earlier versions 1.5 and 2.

Regarding claim 11, Andrews teaches the system of claim 10 wherein the SNMP initiator is adapted to transmit the first SNMP message in conformance with SNMP.

Andrews does not explicitly teach that the version of SNMP installed is specifically version 3 (SNMPv3).

"Official Notice" is taken that the concept and the advantages of implementing a version 3 of the SNMP protocol over earlier versions 1.5 and 2 are well known in the art.

Therefore, it would have been obvious to one of ordinary skills in the art at the time the invention was made to modify Andrews by upgrading to a version 3 of SNMP protocol. One of ordinary skills in the art would be motivated to do so in order to realize additional features of version 3 over earlier versions 1.5 and 2.

4. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety

as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

5. Applicant's arguments filed 08/30/2005 have been fully considered but they are not persuasive.

The Applicant argues in substance that the claimed invention is ***"is the exact opposite of the Andrews patent. Andrews is using an Agentx to transport SNMP management information, and applicant's invention is concerned with using SNMP management to transport Agentx. The "wrapper" reference referred to by the Examiner (column 4, line 31) does not change this fundamental difference. Note the claim language reads: "embedding a first legacy network management message within a first Simple Network Management Protocol (SNMP) message...." Clearly, Andrews uses Agentx protocol for communication."***

In support of his position, the Applicant quotes Andrews, the Summary of the Invention, column 1 lines 36-48, (actually, column 2, lines 36-48), as stating:

"An SNMP master agent and one or more subagents are provided for managing the node, which use the AqentX protocol for communication therebetween."

The Examiner respectfully disagrees. The Applicant incorrectly interpreted the meaning of this passage. Please note that Andrews talks about one node, (which cannot communicate with itself) and a master agent and one or more

subagents, which indeed communicate with each other using AgentX protocol, but this communication is taking place **within a node** where these agents and subagents reside. The Applicant is under a mistaken impression that Andrews uses AgentX protocol to communicate between the management station, or the manager, which Andrews also refers to as a client, and the nodes that are being managed, which Andrew refers to as a server, or as agents. This is not the case. There is no such thing as AgentX network protocol. For further clarification of this statement the Applicant is respectfully referred to "RFC 2741 - Agent Extensibility (AgentX) Protocol Version 1", which clearly states in the abstract:

> *"This memo defines a standardized framework for extensible SNMP agents. It defines processing entities called master agents and subagents, a protocol (AgentX) used to communicate between them, and the elements of procedure by which the extensible agent processes SNMP protocol messages."*

Section 3.1. of the RFC further states:

"3.1. Motivation for AgentX

This very real need to dynamically extend the management objects ***within a node*** (emphasis added) *has given rise to a variety of "extensible agents", which typically comprise*

- *a "master" agent that is available on the standard transport address and that accepts SNMP protocol messages*
- *a set of "subagents" that each contain management instrumentation*
- *a protocol that operates between the master agent and subagents, permitting subagents to "connect" to the master agent, and the master agent to multiplex received SNMP protocol messages amongst the subagents.*
- *a set of tools to aid subagent development, and a runtime (API) environment that hides much of the protocol operation between a subagent and the master agent."*

Therefore, the master agent and subagents reside **within a given node,** and communicate between each other using AgentX protocol. Communication

between a management station and managed network nodes is carried out using SNMP, SNMP messages being used as a wrapper for AgentX commands and responses, just as Andrews states in col. 4, lines 36-43, again misquoted by the Applicant as "column 4, line 31".

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

VAK
11/29/2005

SALEH NAJJAR
SUPERVISORY PATENT EXAMINER